

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5066 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5: No

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DIVISIONAL CONTROLLER

Versus

AYUB AMRULLA SHAIKH

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Appearance:

MR HARDIK C RAWAL for Petitioner

MR HK RATHOD for Respondent No. 1

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 20/03/98

ORAL JUDGEMENT

1. The ST Corporation is aggrieved by the judgment and order of the Labour Court directing the workman to be reinstated in an alternative post of Watchman with continuity of service, but without back wages. After this award dated 6th February 1985, the workman was reinstated as Watchman in April 1985 and the award has been complied with. In fact, the petitioner had given such a pursis in the Labour Court and it appears that it was not objected

to. Even the Corporation has also complied with the order of reinstatement of the workman as a Watchman. It appears that after more than one and half years, this petition was filed and on 18th July 1990, rule was issued, but interim relief was refused.

2. Now, the workman has been reinstated in the new post of Watchman since last 12 years and it would be unjust now to disturb that status and, therefore, in this petition, the question of upsetting the award of the Labour Court on merits would not survive. Hence, this petition is dismissed. Rule discharged.

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mhs/-